



ARIZONA DEPARTMENT OF ECONOMIC SECURITY

1789 W. Jefferson • P.O. Box 6123 • Phoenix, AZ 85005

Janet Napolitano
Governor

David A. Berns
Director

May 18, 2006

WIA Guidance Letter # 10-06

Subject: Veterans Priority Services

REFERENCES: 20 CFR Part 652, §663.600 (d) of WIA Final Rules dated August 11, 2000; TEGL #5-03, Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL107-288); Workforce Information Memo #12-01, Change 1 – Priority of Service; Arizona State Strategic Two Year Plan (2005), Priority of Service, Section IX C 5 b.

Purpose: This guidance letter is to disseminate Employment Administration policy on Veteran's Priority of Services to Local Workforce Investment Areas (LWIAs) and other subrecipients of WIA funding.

Background: The Jobs for Veterans Act (Public Law 107-288), and ETA Training and Guidance Letter #5-03 require the implementation of Priority of Services for Veterans in Department of Labor (DOL) job training programs.

- A. Public Law 107-288, Section 2(a) of the Act 38 U.S.C. 4215(a) creates a Priority of Service for Veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs.
- B. According to Training and Guidance Letter 5-03, "affected programs include, but are not limited to: the Workforce Investment Act (WIA) Adult and Dislocated Worker formula-funded programs; Wagner- Peyser Employment Services; the Trade Act programs; National Emergency Grants; the Senior Community Service Employment Program (SCSEP); the Migrant and Seasonal Farm Workers program; the Indian and Native American program; H-1b Technical Skills Training Grants; Job Corps; WIA Demonstration Projects; Youth Opportunity Grants; The WIA Youth formula-funded program; Labor Market Information Formula Grants; Pilots; Research and Development; and Career One-Stop Electronic Tools and other Internet-based self-service tools operated by DOL grantees."
- C. According to PL 107-288 "the Secretary of Labor will determine if covered persons are receiving priority of service by the representation of veterans in such programs, and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market."
- D. Veterans and other eligible individuals must meet existing program guidelines to receive priority.

E. A covered person under PL 107-288 is defined as:

(1) A veteran as defined by U.S.C. Title 38

- a. Served on active duty for more than 180 days and was discharged with other than a dishonorable discharge;
- b. Was discharged (regardless of length of service) because of a service-connected disability;
- c. Was a member of a Guard or Reserve Unit, called to active duty during a war (regardless of the length of time served) or in an operation where a campaign badge was authorized and was discharged with other than a dishonorable discharge.

(2) A Spouse of any of the following individuals:

- d. A veteran who died of a service-connected disability;
- e. Any member of the armed forces listed as missing for more than 90 days;
- f. Any member of the armed forces forcibly detained by a foreign government or power for more than 90 days;
- g. Any veteran who died while a disability so evaluated was in existence.

F. Qualified job training programs include workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the DOL and includes the following:

- (1) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job training opportunities, labor market information, career assessment tools, and related support services);
- (2) Any such program or service under the public employment service system, One-Stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on a Federal block grant administered by the DOL;
- (3) Priority of Service is defined as with respect to any qualified job-training program, a covered person (paragraph II, E) shall be given priority over non-veterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision in law.

Action Required:

- A. Local Workforce Investment Areas (LWIAs) must develop and implement a veteran's preference policy which will be reviewed during the annual WIA Technical Assistance Review. The Field Operations Liaisons will review the policy as well as the process that will be utilized for compliance.
- B. Policies and procedures will be developed for addressing veterans' priority of service for each program listed in paragraph II B, which is administered in the LWIA. Policies must include information on:
- (1) How covered persons receive priority in recruitment in programs outlined in paragraph II, B;
 - (2) How covered persons will be made aware of their right of priority to which the person is entitled;
 - (3) How covered persons will receive priority in intake and enrollment in the affected programs (paragraph II, B);
 - (4) How covered persons will receive priority by any organization or agency contracted by any LWIA to provide any services in paragraph II B.
- C. The success in achieving priority of service for veterans within each affected program will be measured by:

- (1) WIA: Comparing the percentage of veterans who applied to the program and were accepted versus the non-vets who applied to the same program and were accepted. Example:

80 vets accepted in program
-----divided by----- = 80%
100 total vets applied to program

78 non-vets accepted in program
-----divided by----- = 78%
100 total non-vets applied to program

If the percentage of veterans accepted is greater than the percentage of non-veterans accepted, the program will be considered to be in compliance with veteran's priority requirements. This can be calculated from information currently available on the VOS reports.

- (2) Representative (LVER): Comparing the number of veterans and eligible persons with the total number served. Example:

Total Veterans and Eligible Persons
-----divided by----- = Ratio for Vets Serving
Total Number Served Non-Vets

990 Total Veterans and Eligible Persons
-----divided by----- = 99%
1000 Total Number Served

This can be calculated from information currently available on the Labor Exchange VETS200 federal reports.

(3) Preference and Priority of Service:

Example:

Total Non-Veterans Receiving a Referral
-----divided by----- = % Non-Vets Total
Non-Veterans Registered in an Office Receiving a referral

25 Non-Veterans Receiving a Referral
-----divided by----- = 25% Non-Veterans
100 Non-Veterans Registered in an Office Received a referral

10 Veterans are registered in addition to the 100 Non-Veterans:

A total 5 Veterans receive a referral

-----divided by----- = 50% Veterans
10 Veterans are Registered in the Office Received a referral

- (4) Programs will develop applicant-tracking methods including veteran and non-veteran applications and enrollments for any administered program in paragraph II B that is not included in the VOS Report or within the Labor Exchange information.

D. The TAA and MSFW representatives will monitor veterans' priority of service as it relates to their programs. For each program, the representative will review processes that are utilized to implement Veterans' Priority of Service, as well as statistical outcomes that result.

For questions or assistance related to this policy, please direct inquiries to the Field Operations Liaison assigned to your Local Area at (602) 542-3957.

Sincerely,



Lela Alston, WIA Section Manager
Employment Administration
Department of Economic Security